

**HAWAII PUBLIC HOUSING AUTHORITY  
NOTICE OF MEETING  
SPECIAL BOARD OF DIRECTORS MEETING  
1002 North School Street, Building A Boardroom  
Honolulu, Hawaii 96817  
October 11, 2016  
8:30 a.m.**

**AGENDA**

*(Pursuant to the Governor's Proclamation on October 16, 2015 and related Supplementary Proclamations, Hawai'i Revised Statutes ("HRS") Chapter 92, Public Agency Meetings and Records' notice requirements or other provisions are suspended to the extent that it delays the expeditious action, decision, or approval of the agency, and HRS Chapter 91, Administrative Procedures, as those provisions relate to rulemaking, are suspended to extent necessary to provide emergency relief to address the homeless emergency contemplated in the Proclamations.)*

**I. CALL TO ORDER/ESTABLISHING QUORUM**

**II. PUBLIC TESTIMONY**

Public testimony on any item relevant to this agenda shall be taken at this time. Pursuant to section 92-3, Hawaii Revised Statutes, and section 17-2000-18, Hawaii Administrative Rules, the Board may limit public testimony to three minutes per agenda item.

**III. FOR ACTION**

- A. MOTION:** To (A) Adopt Subchapter 8, "Extension of Special Rent Supplement Program Emergency Rules," under Title 17, Chapter HPHA-RS, Hawai'i Administrative Rules ("HAR"), Which Extends and Renews for an Additional 120 days after October 17, 2016 the "Special Rent Supplement Program Emergency Rules" under Title 17, Chapter HPHA-RS, HAR, Which Sets Forth the Requirements for Eligibility and Participation in HPHA's Special Rent Supplement Program Which Provides Rent Subsidies to a Qualified Homeless Person or Family, through Chapter 91, HRS, Emergency Rulemaking, to Continue to Provide Emergency Relief to Address the Homeless Emergency Declared by the Governor in his Proclamation dated October 16, 2015, and Supplementary Proclamations; and

**(B) To Authorize the Executive Director to Undertake All Actions Necessary to Continue to Implement the "Special Rent Supplement**

Program Emergency Rules", Including But Not Limited to Contracting with Third-Parties to Administer, in Whole or Part, This Special Program.

The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as related to this motion.

The Proposed Subchapter 8 "Extension of Special Rent Supplement Program Emergency Rules", HAR, may be viewed on the internet on or about October 6, 2016 on the Lieutenant Governor's website at: <http://ltgov.hawaii.gov/the-office/administrative-rules/> or can be viewed in person at the HPHA's Offices located at HPHA's Administrative Offices, 1002 N. School Street, Honolulu.

If any person requires special needs (i.e., large print, taped materials, sign language interpreter, etc.) please call Ms. Jonessa Burns at (808) 832-4694 by close of business three days prior to the meeting date. Meals will be served to the Board and support staff as an integral part of the meeting.

DEPARTMENT OF HUMAN SERVICES

Adoption of Subchapter 8, Chapter HPHA-RS  
Hawai'i Administrative Rules

[ ]

SUMMARY

Subchapter 8, Chapter HPHA-RS, Hawai'i Administrative Rules, entitled "Extension of Special Rent Supplement Program Emergency Rules", is adopted.

Historical Note: This adoption of subchapter 8, Chapter HPHA-RS, Hawai'i Administrative Rules, entitled "Extension of Special Rent Supplement Program Emergency Rules" is to renew and extend Chapter HPHA-RS, Special Rent Supplement Program Emergency Rules, Hawai'i Administrative Rules, adopted June 16, 2016, and filed with the Office of the Lieutenant Governor on June 20, 2016, for an additional 120 days after October 17, 2016, pursuant to Hawai'i Revised Statutes sections 91-3(b) and 91-4(b)(2).

## SUBCHAPTER 8

### Extension of Special Rent Supplement Program Emergency Rules

HPHA-RS-81 Findings to Extend Special Rent Supplement Program Emergency Rules. The authority finds that:

(a) The findings related to the negative impact of homelessness and the threat to the health and safety of unsheltered individuals and families, including an impact on social determinants of health, increased exposure to the elements, communicable diseases, and unsanitary conditions discussed in section HPHA-RS-1.0 still exist;

(b) In September 2016, two major media outlets in Hawaii, which are usually competing newsrooms, joined forces in an unprecedented effort to raise awareness among the public and public officials about the gravity of the homeless situation and the need to take action to help the homeless and published daily stories to report on the homeless crisis;

(c) Even as families are moved into homeless emergency and transitional shelters, the goal of obtaining permanent housing is often unattainable for the vast majority of homeless families without subsidized housing or rental assistance;

(d) There exists an ongoing need for long-term housing and permanent housing to serve homeless individuals and families;

(e) The authority and its contractor have successfully identified homeless families who are eligible applicants for rent supplement assistance under the Special Rent Supplement Program;

(f) Chapter HPHA-RS, Special Rent Supplement Program Emergency Rules, Hawai'i Administrative Rules, will terminate on October 17, 2016, unless extended pursuant to sections 91-3(b) and 91-4(b)(2), Hawai'i Revised Statutes;

(g) Additional time is needed to allow eligible families to apply for assistance and for current program applicants to locate

and rent suitable dwelling units to avoid them being thrust back into an unstable housing situation;

(h) The authority agrees with the determination of the Governor of the State of Hawai'i that the conditions giving rise to the homeless emergency continue, as set forth in the Governor's Sixth Supplementary Proclamation dated August 18, 2016, which remains in effect;

(i) Based on the above, there remains an imminent peril to the public health, safety or morals, or to natural resources requiring extension of the Special Rent Supplement Program Emergency Rules, Chapter HPHA-RS, Hawai'i Administrative Rules, upon less than thirty days' notice of hearing; and

(j) These findings are based on the authority Board of Directors' personal knowledge and professional experience.

HPHA-RS-82 Extension. Based on the authority's findings set forth in section HPHA-RS-81, the authority is renewing and extending Chapter HPHA-RS, Special Rent Supplement Program Emergency Rules, adopted June 16, 2016, and filed with the Office of the Lieutenant Governor on June 20, 2016, for an additional 120 days after October 17, 2016.

DEPARTMENT OF HUMAN SERVICES  
SPECIAL RENT SUPPLEMENT PROGRAM EMERGENCY RULES

Subchapter 8, Chapter HPHA-RS Special Rent Supplement Program Emergency Rules, Hawai'i Administrative Rules, on the Summary Page dated \_\_\_\_\_, which renewed and extended Chapter HPHA-RS Special Rent Supplement Program Emergency Rules, Hawai'i Administrative Rules, was adopted on \_\_\_\_\_, 2016, by the Hawai'i Public Housing Authority Board of Directors, without prior notice or hearing, pursuant to section 91-3(b), Hawai'i Revised Statutes.

These rules shall take effect upon filing with the Office of the Lieutenant Governor for a period of not longer than 120 days after October 17, 2016, unless extended in compliance with section 91-3(b), Hawai'i Revised Statutes.

\_\_\_\_\_  
PONO SHIM, Chairperson  
Board of Directors  
Hawaii Public Housing Authority

Pursuant to my Supplementary Proclamation of October 26, 2015, which authorizes and invokes sections 127A-13 and 127A-12, Hawai'i Revised Statutes, by suspending, as allowed by law, Chapter 91, Hawai'i Revised Statutes, Administrative Procedure, as those provisions relate to rulemaking, for the purpose of providing emergency relief as necessary to address the homeless emergency contemplated in my Proclamation of October 16, 2015, by signature below, I approve these rules.

APPROVED:

\_\_\_\_\_  
DAVID Y. IGE  
Governor  
State of Hawai'i  
Dated: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Attorney General

\_\_\_\_\_  
Filed

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, a recent statewide homeless count highlights the significant increase in homelessness for the entire state; and

WHEREAS, the 2015 Statewide Point-in-Time Count, which is a statewide unduplicated count of homeless individuals and families throughout Hawai'i, estimates the total number of homeless individuals statewide is 7,620; and

WHEREAS, the statewide Count estimates the number of unsheltered homeless individuals is 3,843; and

WHEREAS, of the 3,843 unsheltered homeless individuals, the statewide Count estimates that there are 185 unsheltered families, which consist of a total of 439 unsheltered children throughout the state; and

WHEREAS, these unsheltered homeless individuals and families are living on privately owned and public lands, including the streets, public parks, beaches, and elsewhere on each island; and

WHEREAS, these unsheltered homeless individuals and families are without access to portable toilets, bathrooms, showers and clean water; and

WHEREAS, these unsheltered homeless individuals and families require health and social services in order to maintain themselves safely and in reasonable health; and

WHEREAS, the efforts of state and county law enforcement agencies enforcing state and county laws and providing for the public health and safety are resulting in homeless moving from public lands; and

WHEREAS, existing shelters have been successful in assisting a large number of homeless, but many more individuals remain in need of shelter and assistance; and

WHEREAS, various other shelter projects and opportunities are in the process of being developed, but more time is needed to allow for completion; and

WHEREAS, the completion of more shelter projects is necessary to protect the health and safety of not only the homeless individuals, but all members of the community; and

WHEREAS, the largest population of homeless unsheltered families live on the island of Oahu, consisting of approximately 71 unsheltered families for a total of 153 unsheltered children under the age of 18 years of age; and

WHEREAS, the State is exploring various locations on which temporary buildings may be constructed, installed, or renovated in order to shelter these homeless individuals in a safe and sanitary manner and to provide necessary health and social services to them; and

WHEREAS, these possible locations, as well as others that may be identified, will be designed to provide temporary transitional shelter for the homeless and to provide necessary health and social services to assist these individuals and families in successfully transitioning into permanent housing; and

WHEREAS, the completion of the shelter site, together with any associated contracts, is necessary to protect the health and safety for the homeless individuals and families; and

WHEREAS, in addition to the temporary shelter initiative, and associated contracts, the State Department of Human Services, Homeless Programs Office currently administers numerous contracts with private providers for homeless services statewide; and

WHEREAS, these State homeless programs provide emergency and/or transitional shelter, including adequate meals or cooking facilities; outreach services, including case management to enable families to obtain and retain permanent housing, job training, medical and social services referrals, childcare, educational and life skills



classes; emergency grants, which provide monetary assistance to assist with housing, food, medical and other types of expenses arising from emergency needs, including housing rental deposit and rent, utility costs/deposit, emergency medical care and expenses, transportation and job-hunting expenses; and housing placement, which coordinates housing opportunities with private landlords; and

WHEREAS, the contracts for these existing State funded homeless programs will terminate at the end of December 2015 and January 2016 but there is a great risk that procurement will not be completed before the termination date of these contracts; and

WHEREAS, if these State funded homeless programs were to close or cease operations, homeless services would discontinue and significant numbers of homeless individuals and families would be without the necessary life-sustaining services, including the temporary shelter services, leaving many more individuals and families displaced increasing the number of unsheltered homeless statewide; and

WHEREAS, the lack of secure, safe, and sanitary shelter, and adequate health and social services, for this large number of people without homes is endangering the health, safety, and welfare of the people, including families and children, and poses a threat to the environment, and demands emergency action to prevent or mitigate suffering, injury, loss, or damage; and

WHEREAS, the Legislature of the State of Hawaii has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or a county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawaii Revised Statutes, the Governor is authorized to determine whether an emergency or disaster has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawaii Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under chapter 127A, Hawaii Revised Statutes, by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 127A-12(a)(8), Hawaii Revised Statutes, the Governor may suspend chapters 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 127A-12(b)(16), Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officials, officers, and employees of the State, to take such action and employ such measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 127A-12(b)(9), Hawaii Revised Statutes, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency management functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and

other persons; and subject to the provisions of chapter 127A, Hawaii Revised Statutes, provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State; and

WHEREAS, pursuant to section 127A-12(b)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawaii Revised Statutes notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the State of Hawai'i, and do hereby proclaim an emergency for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of damages, losses, and suffering resulting from the emergency, and hereby invoke the following measures under the Hawaii Revised Statutes:

1. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, suspend, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of establishing a temporary transitional shelter and facilitating contracting with private providers of homeless services:
  - a. Chapter 6E, Hawaii Revised Statutes, **Historic Preservation**.
  - b. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury**.
  - c. Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.
  - d. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations**.

- e. Chapter 46, **county organization and administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Proclamation.
- f. Chapter 89, Hawaii Revised Statutes, **Collective Bargaining In Public Employment**.
- g. Chapter 89C, Hawaii Revised Statutes, **Public Officers And Employees Excluded From Collective Bargaining**.
- h. Chapter 92, **Public Agency Meetings and Records**, to the extent that any notice requirements or any other provisions of Chapter 92 may delay the expeditious action, decision, or approval of any agency.
- i. Section 102-2, Hawaii Revised Statutes, **Contracts For Concessions In Government Buildings; Bid Requirements**.
- j. Section 103-2, Hawaii Revised Statutes, **General Fund**.
- k. Section 103-53, Hawaii Revised Statutes, **Contracts With The State Or Counties; Tax Clearances, Assignments**.
- l. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services**.
- m. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code**.
- n. Chapter 103F, Hawaii Revised Statutes, **Purchases of Health and Human Services**.
- o. Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works**.
- p. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations**.

- q. Section 127A-30, Hawaii Revised Statutes, **Rental or sale of essential commodities during a state of emergency; prohibition against price increases.**
  - r. Chapter 171, Hawaii Revised Statutes, **Public Lands.**
  - s. Chapter 205, Hawaii Revised Statutes, **Land Use Commission.**
  - t. Chapter 205A, Hawaii Revised Statutes, **Coastal zone management.**
  - u. Chapter 206E, Hawaii Revised Statutes, **Hawaii Community Development Authority.**
  - v. Chapter 343, Hawaii Revised Statutes, **Environmental impact statements.**
  - w. Chapter 346, Hawaii Revised Statutes, **Social Services.**
  - x. Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals.**
  - y. Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, and 708-840, Hawaii Revised Statutes, to the extent that these sections contain provisions for the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements in civil, criminal, or administrative matters before the courts of the state or to the extent that these sections contain provisions for criminal penalties that are automatically heightened by reason of any declared disaster or emergency.
2. Section 127A-12(b), Hawaii Revised Statutes, and in order to provide emergency relief consistent with the intent of this Proclamation, I hereby direct all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to address the objectives of this Proclamation in addressing the homeless situation.

I FURTHER DECLARE that a disaster emergency relief period shall commence immediately and shall terminate automatically sixty days after the issuance of this Proclamation or by a separate proclamation whichever occurs first. Notwithstanding the

termination of a disaster emergency relief period, any contracts, agreements, procurements, or programs entered into, started, or continued by reason of the provisions of this Proclamation shall continue. However, any contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months.

I FURTHER DECLARE that this Proclamation is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, officers, employees, or any other person.

Done at the State Capitol, this  
16th day of October, 2015.



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DAVID Y. IGE  
*Governor of Hawaii*

APPROVED:



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DOUGLAS S. CHIN  
*Attorney General  
State of Hawaii*

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawaii to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, It has become necessary to supplement my Proclamation of October 16, 2015, relating to the homeless emergency; and

WHEREAS, it has become clear that it will require additional efforts and assistance to properly ease the homeless emergency that exists in the State of Hawaii beyond the establishment of an additional temporary transitional shelter and facilitating contracting with private providers of homeless services; and

WHEREAS, the best opportunity to address the homeless emergency is with a coordinated response from many fronts involving many different state, county, and private agencies; and

WHEREAS, to ensure long-term success, this coordinated response effort must include establishing and maintaining good relationships with the homeless population, educating both the homeless and providers of service to the homeless; assisting with services, training, and opportunities, and relocation; and

WHEREAS, it has become necessary to expand the homeless emergency response efforts to include all efforts necessary to respond to the current homeless emergency in the State of Hawaii.

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the State of Hawai'i, and do hereby supplement my October 16, 2015 Proclamation in order to provide further emergency relief by:

1. Expanding the purpose of my October 16, 2015 Proclamation to include all efforts necessary to respond to the current homeless emergency in the State of Hawaii, including, if necessary, property restoration efforts, provided further that to the greatest extent practicable and where possible, state agencies will endeavor to include a coordinated response among participating state, county, and private agencies that include:
  - a. Establishing and maintaining good relationships with the homeless population;
  - b. Educating the homeless population and providers of service to the homeless;
  - c. Assisting with providing services, training, and opportunities to the homeless population; and
  - d. Employing relocation efforts.
2. Authorizing and invoking sections 127A-13 and 127A-12, Hawaii Revised Statutes, by suspending, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of providing emergency relief as necessary to address the homeless emergency contemplated in my October 16, Proclamation and this Supplementary Proclamation:
  - a. Chapter 91, Hawaii Revised Statutes, **Administrative Procedure**, as those provisions relate to rulemaking.



3. Section 127A-12(b), Hawaii Revised Statutes by expanding my directive contained in my October 16, 2015 Proclamation that all state agencies and officers cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to address the objectives of the homeless emergency to include the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State as needed or requested.

I FURTHER DECLARE that all the provisions of my Proclamation of October 16, 2015, shall remain in full force and effect and are hereby included in the provisions of this Supplementary Proclamation and the disaster emergency relief period shall continue until terminated automatically sixty days after the issuance of this Supplementary Proclamation or by a separate proclamation whichever occurs first.

Done at the State Capitol, this  
26<sup>th</sup> day of October, 2015.

  
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DAVID Y. IGE  
Governor of Hawaii

APPROVED:

  
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DOUGLAS S. CHIN  
Attorney General  
State of Hawaii

**OFFICE OF THE GOVERNOR  
STATE OF HAWAII**

**SECOND SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, It has become necessary to supplement my Proclamation of October 16, 2015, and my Supplementary Proclamation of October 26, 2015 relating to the homeless emergency; and

WHEREAS, the County of Kaua'i has an estimated homeless population in excess of three hundred persons with only one homeless shelter to serve nineteen persons and is engaged in plans to establish a Temporary Houseless and Assessment Shelter to accommodate up to twenty individuals per day and serve as a safe and central environment for homeless individuals to receive social services, meals, laundry assistance, and hygiene services; and

WHEREAS, the County of Maui has experienced an estimated twenty percent increase in its homeless population, including a twenty-three percent increase in the number of unsheltered homeless persons and is also engaged in plans to address its unsheltered homeless population by establishing Pu'uuhonua, or Sanctuaries, in Kahului, Wailuku, and Lahaina to offer modular units to be placed on property located in close proximity to existing emergency or transitional homeless shelters to serve approximately one hundred ninety individuals with an estimated number of sixty four per site; and

WHEREAS, the County of Hawai'i has experienced an estimated fifty-five percent increase in unsheltered homeless persons and is engaged in plans to establish a micro-unit housing project in West Hawai'i to target chronically homeless households

to serve up to thirty two individuals and also provide individual and group counseling as well as wraparound social services; and

WHEREAS, the City and County of Honolulu has an estimated homeless population in excess of 4,900 that represents two-thirds of the State's total estimated homeless population and is engaged in plans to establish long-term housing projects specifically designed to serve homeless individuals or families, which will be geographically distributed throughout the island of O'ahu; and

WHEREAS, it has become clear that additional and continued efforts and assistance are needed to properly ease the homeless emergency that exists in the State of Hawai'i; and

WHEREAS, it has become necessary to expand the homeless emergency response efforts to include efforts at the county level to respond to the current homeless emergency in the State of Hawai'i.

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the State of Hawai'i and do hereby supplement my October 16, 2015 Proclamation and my Supplementary Proclamation of October 26, 2015 relating to the homeless emergency in order to provide further emergency relief by:

1. Expanding the purpose of my proclamations to include the efforts of the County of Kaua'i in its plans to establish a Temporary Houseless and Assessment Shelter to accommodate up to twenty individuals per day and serve as a safe and central environment for homeless individuals to receive social services, meals, laundry assistance, and hygiene services.
2. Expanding the purpose of my proclamations to include the efforts of the County of Maui in its plans to establish Pu'uhonua, or Sanctuaries, in Kahului, Wailuku, and Lahaina to offer modular units to be placed on property located in close proximity to existing emergency or transitional homeless shelters to serve approximately one hundred ninety individuals with an estimated number of sixty four per site.


3. Expanding the purpose of my proclamations to include the efforts of the County of Hawai'i in plans to establish a micro-unit housing project in West Hawai'i to target chronically homeless households to serve up to thirty two individuals and also provide individual and group counseling as well as wraparound social services.
4. Expanding the purpose of my proclamations to include the efforts of the City and County of Honolulu in plans to establish up to six housing projects ranging from long-term temporary housing to permanent housing to specifically serve homeless individuals or families. Such housing projects will be geographically distributed throughout the island of O'ahu

I FURTHER DECLARE that all the provisions of my Proclamation of October 16, 2015 and my Supplementary Proclamation of October 26, 2015 relating to the homeless emergency, shall remain in full force and effect and are hereby included in the provisions of this Second Supplementary Proclamation and the disaster emergency relief period shall continue until terminated automatically sixty days after December 25, 2015 or by a separate proclamation whichever occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, or programs entered into, started, or continued by reason of the provisions of my proclamations relating to this emergency shall continue. However, any contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months, but may be extended for a period of 6 months provided such extension is at no additional cost.

Done at the State Capitol, this  
24<sup>th</sup> day of December, 2015.

  
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DAVID Y. IGE  
Governor of Hawai'i

APPROVED:

  
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DOUGLAS S. CHIN  
Attorney General  
State of Hawai'i

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**THIRD SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as Acting Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, SHAN S. TSUTSUI, Acting Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement Governor Ige's Proclamation of October 16, 2015, his Supplementary Proclamation of October 26, 2015, and his Second Supplementary Proclamation of December 24, 2015 relating to the homeless emergency; and

WHEREAS, the County of Maui is engaged in plans to address its unsheltered homeless population by establishing a long-term housing project in Wailuku to target homeless households to serve between 64 to 128 households; and

WHEREAS, all counties in the State are facing this homeless emergency and need to be able to expend county moneys for the repair and maintenance of existing county shelters; and

WHEREAS, the conditions giving rise to the homeless emergency continue; and

NOW, THEREFORE, I, SHAN S. TSUTSUI, Acting Governor of the State of Hawai'i, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, continues in the State of Hawai'i, and do hereby supplement Governor Ige's October 16, 2015 Proclamation, his Supplementary Proclamation of October 26, 2015, and his Second Supplementary Proclamation of December 24, 2015 relating to the homeless emergency in order to provide emergency

relief by expanding the purpose of his proclamations to include the efforts of the County of Maui in its plans to establish a long-term housing project in Wailuku to target homeless households to serve between 64 to 128 households and all counties for the repair and maintenance of existing county shelters.


I FURTHER DECLARE that all the provisions of Governor Ige's Proclamation of October 16, 2015, his Supplementary Proclamation of October 26, 2015, and his Second Supplementary Proclamation of December 24, 2015 relating to the homeless emergency, shall remain in full force and effect and are hereby included in the provisions of this Third Supplementary Proclamation and the disaster emergency relief period shall continue until terminated automatically sixty days after February 23, 2016 or by a separate proclamation whichever occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, or continued by reason of the provisions of my proclamations relating to this emergency shall continue. However, any contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months, but may be extended for a period of 6 months provided such extension is at no additional cost above existing contract compensation and payment schedules.

Done at the State Capitol, this  
19<sup>th</sup> day of February, 2016



Shan S. Tsutsui  
*Acting Governor of Hawaii*

APPROVED:



DOUGLAS S. CHIN  
*Attorney General  
State of Hawaii*

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**FOURTH SUPPLEMENTARY PROCLAMATION**

By the authority vested in me as <sup>AMG</sup>~~Acting~~ Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, Hawai'i Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement my Proclamation of October 16, 2015, my Supplementary Proclamation of October 26, 2015, my Second Supplementary Proclamation of December 24, 2015, and the Third Supplementary Proclamation of February 19, 2016, relating to the homeless emergency; and

WHEREAS, the conditions giving rise to the homeless emergency continue; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby further determine that an emergency or disaster contemplated by section 127A-14, Hawai'i Revised Statutes, continues in the State of Hawai'i, and do hereby continue and extend my Proclamation of October 16, 2015, my Supplementary Proclamation of October 26, 2015, my Second Supplementary Proclamation of December 24, 2015, and the Third Supplementary Proclamation of February 19, 2016, relating to the homeless emergency in order to provide emergency relief and hereby declare that all the provisions of these proclamations shall remain in full force and effect and are hereby included in the provisions of this Fourth Supplementary Proclamation and the disaster emergency relief period shall continue until terminated sixty days after April 23, 2016 or by a separate proclamation whichever occurs first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, or continued by reason of the provisions of my proclamations relating to this emergency shall continue. However, any

contract entered into under this Proclamation for providing homeless services shall be limited to a period not to exceed 12 months, but may be extended for a period of 6 months provided such extension is at no additional cost above existing contract compensation and payment schedules.

Done at the State Capitol, this  
22<sup>nd</sup> day of April, 2016



\_\_\_\_\_  
David Y. Ige  
Governor of Hawai'i

APPROVED:



\_\_\_\_\_  
DOUGLAS S. CHIN  
Attorney General  
State of Hawai'i



DEPARTMENT OF HUMAN SERVICES

Adoption of Chapter HPHA-RS  
Hawai'i Administrative Rules

June 16, 2016

SUMMARY

Chapter HPHA-RS, Hawai'i Administrative Rules, entitled "Special Rent Supplement Program Emergency Rules", is adopted.

HAWAI'I ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 5

HAWAII PUBLIC HOUSING AUTHORITY

Chapter HPHA-RS

SPECIAL RENT SUPPLEMENT PROGRAM EMERGENCY RULES

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## SUBCHAPTER 1

### GENERAL PROVISIONS

HPHA-RS-1.0 Findings. The authority finds that:

(a) The Governor of the State of Hawai'i has determined and proclaimed that the homeless situation in the State of Hawai'i is an emergency contemplated by section 127A-14, Hawai'i Revised Statutes ("HRS"), and that this homeless emergency continues, as evidenced by his Proclamation dated October 16, 2015, and Supplementary Proclamations dated October 26, 2015, December 24, 2015, February 19, 2016, and April 22, 2016 ("Emergency Proclamations");

(b) Section 127A-2, HRS, defines "emergency" as "any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property";

(c) There is an imminent peril to the public health, safety, or morals, or to natural resources as the Governor has declared a homeless emergency in the State of Hawai'i through his Emergency Proclamations;

(d) By Proclamation dated October 16, 2015, the Governor directed all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to address the objectives of his proclamation in addressing the homeless situation;

(e) By Supplementary Proclamation dated October 26, 2015, the Governor expanded the purpose of his original Proclamation to include all efforts necessary to respond to the current homeless emergency and that state agencies endeavor to include a coordinated response among participating state, county, and private agencies that includes assisting with providing services, training, and opportunities to the homeless population and employing relocation efforts;

(f) The authority agrees with Governor's determination in his Proclamation dated October 16, 2015, that "the lack of secure, safe, and sanitary shelter, and adequate health and social services, for

this large number of people without homes is endangering the health, safety, and welfare of the people, including families and children, and poses a threat to the environment, and demands emergency action to prevent or mitigate suffering, injury, loss, or damage";

(g) The authority finds that homelessness presents an immediate threat to the health and safety of unsheltered individuals and families, including an impact on social determinants of health, increased exposure to the elements, communicable diseases, and unsanitary conditions;

(h) There is an ongoing need for long-term housing and permanent housing to serve homeless individuals and families as evidenced by the Second Supplementary Proclamation dated December 24, 2015, and Third Supplementary Proclamation dated February 19, 2016;

(i) There is a disparity between income and housing which is a barrier to permanent housing, and rental subsidy programs can address this barrier for individuals and families who are currently experiencing homelessness.

(j) Homeless emergency shelters and homeless transitional shelters provide only temporary shelter for those who are homeless and do not constitute permanent housing;

(k) Individuals and families residing in homeless emergency shelters or homeless transitional shelters need to relocate and have access to permanent housing;

(l) These emergency rules assist eligible homeless individuals and families residing in and receiving services from emergency or transitional shelters by providing them a special rental subsidy to help them transition into and secure permanent housing;

(m) The rental subsidy programs have been implemented in Hawaii for over two decades;

(n) Rental subsidy programs make better use of existing inventory, ameliorate the need for government agencies to construct and maintain new buildings, and provide economic benefit for those with available

units;

(o) These emergency rules assist shelter providers with placing their clients into permanent housing and provide six months of continuous follow up case management;

(p) The special rent supplement program administered by these emergency rules encourages unsheltered individuals and families experiencing homelessness to enter into emergency or transitional shelters so they become eligible for the permanent housing assistance and case management available thru this special program;

(q) These rules support shelter facilities that assist homeless individuals and families seeking help thereby creating a strong continuum of care;

(r) These emergency rules are necessary to provide emergency relief and implement the Governor's emergency homeless initiatives set forth in the Emergency Proclamations; and

(s) Based on the above, there is an imminent peril to the public health, safety or morals, or to natural resources caused by the homeless situation requiring immediate adoption of these emergency rules upon less than thirty days' notice of hearing.

(t) These findings are based on the authority Board of Director's personal knowledge and professional experiences.

HPHA-RS-1.1 Purpose. These emergency rules are adopted based on the findings in section HPHA-RS-1.0, and set forth the requirements for participation by eligible applicants and housing owners in this special rent supplement program administered by the authority under Chapter 356D, Part VIII, Hawai'i Revised Statutes, to address the homelessness emergency ("Special Rent Supplement Program").

HPHA-RS-1.2 Applicability. Notwithstanding Chapter 15-184, Hawai'i Administrative Rules ("HAR"), Rent Supplement Program, and any subsequent repeal and adoption of new administrative rules to replace Chapter 15-184, HAR (collectively, "RSP HARs"), these

rules shall apply only to applicants and participants of this Special Rent Supplement Program; provided that upon expiration of these emergency rules, these rules shall terminate, and the RSP HARS shall apply to all participants of this Special Rent Supplement Program. Notwithstanding the termination of these rules, any rent supplement agreement executed pursuant to this Special Rent Supplement Program and these rules shall continue and be in effect for a period not to exceed 12 months.

HPHA-RS-2 Definitions. As used in this chapter:

"Applicant" means an individual or family who resides in a homeless emergency shelter or homeless transitional shelter and who submits an application to participate in the program but is not yet a participant in the program.

"Assets" means total cash, securities, real and personal property less any outstanding liabilities secured by the assets. Assets do not include necessary personal property such as clothing, household furniture and automobiles.

"Authority" means the Hawaii public housing authority.

"Criminal activity" means conduct constituting a criminal violation of federal law, HRS, or local ordinances regardless of whether there has been an arrest or conviction for such activity and without satisfying the standard of proof for a criminal conviction.

"Displaced" means a family or elderly individual who is without housing, about to be without housing or was without housing within three years prior to applying for housing assistance and was displaced by some public or governmental action.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802) as it existed on December 18, 2014.

"Drug-related criminal activity" means the illegal possession, manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, of a controlled substance as defined in Section 102 of the Controlled Substances

Act (21 U.S.C. §802).

"Dwelling unit" means a house, apartment or group of rooms, intended for residential occupancy as separate living quarters with each unit having direct access from either the outside of the building or through a common hall with each unit being equipped with complete kitchen and bathroom facilities for the exclusive use of the occupants, and is located in Hawaii. Dwelling units that present a serious health or safety hazard shall not be acceptable for use by participants of the program.

"Elderly" means a family whose head, spouse, or sole member or spouse has attained the age of sixty-two.

"Executive Director" means the executive director of the Hawaii Public Housing Authority.

"Family" means:

- (1) One or more persons who live or intend to occupy a dwelling unit and whose income and resources are available to meet the family's need and who may, but need not be, related by blood, marriage, or operation of law, including foster children and hanai children and whose head of household has reached the age of majority, or is otherwise legally emancipated;
- (2) A person who is pregnant or in the process of securing legal custody of a minor child or children, and who has reached the age of majority or is otherwise emancipated.

"Foster children" means a person or persons, under eighteen years of age, who may not be related to the foster parent by blood, marriage, or adoption and who is in need of parenting care.

"Foster parent" means any adult person who gives parenting care and maintenance to a foster child pursuant to placement by an authorized agency.

"Gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or gender-related expression



is different from that traditionally associated with the person's sex at birth.

"Hanai children" means a person or persons, under eighteen years of age, for whom a tenant provides food, nourishment and support for a minimum period of at least a year and who is acknowledged as the tenant's child among friends, relatives, and the community.

"Homeless emergency shelter" means a homeless facility designed to provide temporary shelter and appropriate and available services to homeless families or individuals for up to six weeks. Emergency shelters are characterized by their short-term, walk-in nature, with the option for participants to enter into a case plan upon entry and community living quarters.

"Homeless transitional shelter" means a homeless facility designed to provide temporary shelter and appropriate and available social services to homeless families or individuals for up to twenty-four months.

"Household" includes "family", "elderly", and "displaced".

"Household income" means all income from any source before deductions or exemptions, anticipated to be received during the twelve month period following admission or redetermination of household income, as the case may be, by all persons occupying, or who are to occupy the dwelling, and by a household head temporarily separated from the household. Household income does not include the employment income of a minor or amounts specifically paid to the household for or in reimbursement of the cost of medical expenses for any household member.

"Housing owner" means the same as defined in section 356D-152, HRS, and may include an agent of an owner.

"HRS" means the Hawaii revised statutes.

"HUD" means the United States Department of Housing and Urban Development.

"Minor" means a person less than eighteen years of age. An unborn child may not be counted as a minor.

"Participant" means the same as tenant.

"Program" means the Special Rent Supplement Program administered by the authority.

"Provider agency" means the organization meeting the qualifying standards under HPHA-RS-8 that is selected and contracted by the authority to administer this program, in whole or part, and provide rent supplement payments on behalf of participants under this program.

"Rent" means the monthly charge to a tenant for the use of a dwelling unit.

"Security deposit" means a monetary deposit required by a landlord prior to occupancy of the dwelling unit.

"Staff" means the employees or agents of the authority.

"Shared housing" means a dwelling unit with two or more bedrooms that is occupied by more than one person or household which share the housing cost for the dwelling.

"Standard unit" means the same as "dwelling unit".

"Tenant" means a qualified person or family that is participating in the program.

"Unassisted household" means a person or family who is not participating in the program.

"U.S.C." means the United States Code.

"Very low income" means 50 per cent of the median household income for the area as determined by the U.S. Department of Housing and Urban Development.

"Violent criminal activity" means any criminal activity that includes the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

HPHA-RS-3 Income limits. To be eligible to participate or continue participation in the program, an applicant's or tenant's adjusted household income shall not exceed the very low income limits most recently determined by the U.S. Department of Housing and Urban Development.

HPHA-RS-4 Asset limits. (a) An elderly family

having assets valued at more than twice its applicable income limit is ineligible to participate in the program.

(b) A non-elderly family having assets which are valued at more than one and one half times its applicable income limit is ineligible to participate in the program.

HPHA-RS-5 Asset transfer. All assets transferred or assigned to another party, within a twenty-four month period prior to submitting an application or for the purpose of continuing to qualify for participation in the program, shall be included in determining a household's assets.

HPHA-RS-6 Occupancy guidelines. Eligible applicants and tenants shall abide by the occupancy standards for admission and continued occupancy in this program as prescribed in exhibit A, entitled "Occupancy Standards", located at the end of this chapter.

HPHA-RS-7 Program administration. (a) The authority may enter into contract with provider agencies to administer this program in whole or in part.

(b) Notwithstanding that services to administer this program may be contracted with provider agencies, the authority reserves the right to approve participation for eligible applicants.

(c) The provider agency shall administer this program in compliance with these emergency rules (Chapter HPHA-RS) until the termination of these rules as set forth in HPHA-RS-1.2. Upon termination of these rules, the provider agency shall administer this program pursuant to Chapter 15-184, HAR, Rent Supplement Program, or any adoption of new administrative rules to replace Chapter 15-184, HAR.

HPHA-RS-8 Qualifying standards for provider agencies. (a) Any provider agency contracted to administer this special rent supplement program shall meet the following requirements:

- (1) (A) Be a for-profit organization incorporated under the laws of the State; or
  - (b) Be a nonprofit organization determined by the internal revenue services to be exempt from federal income tax with a governing board whose members have no material conflict of interest and serve without compensation;
  - (2) Have at least one year's experience working with homeless families; provided that the authority may grant an exception where the organization has otherwise demonstrated the necessary experience or capacity to manage the contract in this program area; and
  - (3) Have no outstanding balances owed to the authority, except that the executive director may grant exceptions for debts recently acquired that are under an approved payment plan.
- (b) The authority may require provider agencies to submit information, including but not limited to, information on the agency's background, position descriptions and staff resume, program plan and design, and certification that the provider agency has a functioning accounting system that is operated in accordance with generally accepted accounting principles. The authority may accept verification by the department of human services in lieu of documentation listed above.
- (c) Upon the commencement and completion of a contract, the authority shall require a provider agency to submit a valid tax clearance certificate from the state department of taxation and the internal revenue service.
- (d) Upon commencement of a contract, the authority shall require a provider to submit a certificate of compliance from the department of labor and industrial relations and a certificate of good

standing from the department of commerce and consumer affairs. Alternatively, a provider agency may submit a certificate of compliance from the Hawaii compliance express to demonstrate compliance with the department of taxation, internal revenue service, department of labor and industrial relations, and department of commerce and consumer affairs.

(e) The authority may contract with a provider agency that is a religious or faith-based organization provided that the provider agency agrees to administer and implement all eligible activities under this program in a manner that is free from religious influence and in accordance with the following:

- (1) Provider agency will provide services and rent supplement assistance in a manner free from discrimination and will not limit services or give preference to persons on the basis of religion;
- (2) Provider agency will not exert religious influence, such as requiring prayer or attendance in religious services, as a condition of participation.

HPHA-RS-8 Payments to provider agencies. (a) The authority may make or contract to make payments to a provider agency qualified under section HPHA-RS-7.

(b) Funds received shall be used for rent supplement payments under HPHA-RS-31. The authority may reserve an amount of funds for the administration of the program by the authority or provider agencies.

(c) Payments to provider agencies may be made in advance by the authority on a monthly basis to ensure timely payments on behalf of program participants.

(d) Requests for payments shall be in the form prescribed by the authority. The request for payment shall, at a minimum, include a list of program participants, pending applicants, and computation of the amount requested.

HPHA-RS-9 Applicant and participant files. (a)

All applicant and participant files and personal information given or made available to the authority or a provider agency in the course of administration of this program shall be treated as confidential and maintained in secured equipment or rooms.

(b) All applicant and participant information shall be made available and accessible to the authority for the purposes of monitoring, quality control, audit or other program purposes.

(c) All applicant and participant information and files shall be turned over to the authority within 5 business days at the completion of this program or termination of the provider agency contract.

## SUBCHAPTER 2

### ELIGIBILITY

HPHA-RS-11 Application. (a) A person seeking to participate in the program shall submit a completed application form, provided by the authority. The form shall include, but not be limited to, information relating to household income, household composition, social security number or a certification that the member does not have a social security number for each household member, evidence of citizenship or eligible immigrant status as provided under 24 C.F.R. §5.508, as it existed on April 7, 2016, for each household member, financial condition, and other program information necessary to determine eligibility and program demographics.

(b) The applicant shall be placed on a special statewide waiting list upon submission of a completed application form. Placement on the special statewide waiting list shall not be deemed a determination of eligibility or admission.

(c) An applicant who has misrepresented material information or has willfully withheld important information on the application form submitted to the authority shall not be eligible to file an application with the authority for placement on the regular

waiting list under RSP HARS for twelve months from the date of written notification from the authority.

HPHA-RS-12 Verification. Applicants and tenants in the program shall provide, prior to admission or as the authority may require, documentation setting forth information concerning household income, household composition, social security number or a certification that the member does not have a social security number for each household member, evidence of citizenship or eligible immigrant status as provided under 24 C.F.R. §5.508, as it existed on April 7, 2016, for each household member, financial condition or other information as may be requested.

HPHA-RS-13 Eligibility for participation. (a) To be eligible to participate or continue participation in the program, the applicant and applicant's household members or tenant and tenant's household members shall:

- (1) Qualify as a household;
- (2) Have an adjusted household income which does not exceed the applicable income limit;
- (3) Have assets which do not exceed the applicable asset limit;
- (4) Have earning capabilities or whose financial situation gives reasonable assurance of meeting the rental payments on time as they become due;
- (5) Not own, in whole or a majority interest in, a dwelling unit in the state of Hawaii;
- (6) Not have an outstanding debt owed to the authority;
- (7) Be eligible for a monthly rent supplement payment of a minimum of \$25 and not more than \$1,000;
- (8) Provide a social security number for all family members or certify that the person does not have a social security number;
- (9) Meet all requirements of part VIII, chapter 356D, HRS;

- (10) Have their primary place of residence in Hawai'i or intends to make Hawai'i their primary place of residence;
- (11) Not have engaged in criminal activity involving crimes against persons or property that is a threat to the health, safety, or property of others, for three years prior to admission;
- (12) Not have been evicted from any of the authority's housing programs for drug related criminal activity for three years prior to admission. For purposes of this subsection, in determining eligibility, the authority may consider whether the evicted applicant or household member has successfully completed a rehabilitation program approved by the authority, or whether the circumstances leading to eviction no longer exist;
- (13) Not engage in any drug related or violent criminal activity;
- (14) Not engage in the illegal use of a drug or give the authority or its provider agency reasonable cause to believe that the illegal use of a drug, pattern of illegal use, abuse of alcohol, or pattern of abuse of alcohol may interfere with the health and safety of the residents, or the right to peaceful enjoyment of the premises by other residents;
  - (A) For the purposes of this subsection "reasonable cause to believe" means by the preponderance of the evidence;
  - (B) For the purposes of this subsection, in determining whether to deny eligibility based on a pattern of use of a drug or a pattern of abuse of alcohol, the authority may consider rehabilitation as provided for under 42 U.S.C. §13661(b)(2)(A)-(C) effective October 1, 1999;
- (15) Except for a newborn child, a person shall not be permitted to join or rejoin the



household until it is verified that the person meets the eligibility requirements set forth in this section;

- (16) Not engage in or threaten abusive or violent behavior toward the authority's or the provider agency's staff. For purposes of this subsection, "threaten" means an oral or written threat or physical gestures that communicate intent to abuse or commit violence. Abusive or violent behavior may be verbal or physical and include racial epithets, or other language, written or oral, that is customarily used to intimidate;
- (17) Not cause any harm or damage to the authority, its staff, agents, representatives, or programs;
- (18) Furnish evidence of citizenship or eligible immigrant status as provided for in 24 C.F.R. §5.508, as it existed on April 7, 2016; and
- (19) Be referred from a homeless shelter, outreach, grant, or supportive service provider who has assisted the applicant in completion of an application for rent supplement, in locating a qualified dwelling unit and who agrees to provide case management follow-up services for no less than six months after applicant placement in this Special Rent Supplement Program.

(b) The provider agency shall make the initial determination that the applicant and applicant's household members are eligible to participate in the program, or that the tenant and tenant's household members are eligible to continue to participate in this program, as set forth in subsection (a), and forward its determination of eligibility and supporting documentation to the authority for final approval.

### SUBCHAPTER 3

### TENANT SELECTION

HPHA-RS-21 Nondiscrimination. (a) The authority and its provider agency shall not deny any family or individual the opportunity to apply for or receive assistance under this chapter on the basis of race, color, sex, religion, marital status, creed, national or ethnic origin, age, familial status, gender identity, sexual orientation, handicap or disability or HIV infection.

(b) The authority shall comply with state and federal nondiscrimination laws and with rules and regulations governing fair housing and equal opportunity in the administration of the Program. The authority shall provide a family with the United States Department of Housing and Urban Development discrimination complaint form and information on how to file a fair housing complaint if the family claims that discrimination prevented them from finding or leasing a suitable unit under the Program.

HPHA-RS-22 Special statewide waiting list. (a) The authority shall maintain a special statewide waiting list of applicants who may be eligible to obtain a certification of rent supplement eligibility.

(b) Placement of applicants on the special statewide waiting list shall be based upon date and time of receipt of completed application.

(c) An applicant must notify the provider agency, of any change that may affect the applicant's place on the special statewide waiting list and the provider agency's ability to contact the applicant. Changes include, but are not limited to, familial status, financial status, preference status, mailing address and current residence.

(d) The special statewide waiting list established by these rules will terminate upon expiration of these emergency rules.

HPHA-RS-23 Preference. Notwithstanding the preference set forth in section 15-184-14, HAR,

preference shall be given to applicants with a completed application and documentation verifying that the applicant has secured a qualified dwelling unit. Participation in the program shall be determined in order of submission date of proposed rental agreement or other documentation which identifies a qualified unit by an applicant on the wait list.

HPHA-RS-24 Removal from special statewide waiting list. (a) An applicant may be removed from the waiting list for one of the following reasons:

- (1) The applicant requests that the applicant's name be removed;
- (2) The applicant no longer meets the eligibility criteria set forth in section HPHA-RS-13;
- (3) The applicant fails to respond to the authority's reasonable efforts such as correspondence to the last known address to contact them;
- (4) The applicant fails without good cause to keep a scheduled interview or to provide requested information necessary to determine eligibility; or
- (5) An applicant who has misrepresented material information or has wilfully withheld important information from the authority shall be removed from the waiting list for twelve months.

(b) The authority may consider reinstatement of an applicant on the special statewide waiting list due to extenuating circumstances. The authority may assign a new date and time to the application based on the date and time of notification of an acceptable reason for failure to respond to the authority.

(c) Reinstatement of an applicant to the special statewide waiting list must occur prior to the expiration of these emergency rules.

HPHA-RS-25 Ineligible applicant. An applicant determined to be ineligible for participation in the

program shall be notified in writing of the termination and the reasons thereof by the authority or its designated representative.

HPHA-RS-26 Closing the special statewide waiting list. (a) The authority, at its discretion, may restrict or refuse acceptance of applications to the special statewide waiting list, when it determines that it is unable to assist applicants on the waiting list within a reasonable period of time.

(b) The authority shall publicly announce any closure and reopening of the application process for this special program by posting a notice on its website or in publication in a newspaper of general circulation.

#### SUBCHAPTER 4

##### RENT

HPHA-RS-31 Rent supplement payments. (a) The authority or its provider agency shall pay directly to the housing owner, or authorized representative, on behalf of a tenant, a monthly amount which is the difference between the established monthly rent for the tenant's dwelling unit and the tenant's allocable share of rent as established in section HPHA-RS-32 below; provided that the authority or its provider agency shall not make any initial monthly payments that exceed \$1,000 on behalf of any tenant.

(b) Rent supplement payments will be made on behalf of a tenant for the period that the rental unit is occupied; except that if the tenant vacates the dwelling unit without proper notice, rent supplement payments will be continued to the time that the rental agreement could legally be terminated or to the date that the unit is re-rented, or to the last day of the month that the tenant vacated the unit and rent supplement payment was already made, whichever comes first.

(c) Initial monthly payments of up to \$1,000 shall be reduced to regular monthly payments of no more than \$500 on behalf of any tenant after six months of initial placement into a dwelling unit.

HPHA-RS-32 Rent calculation. (a) The tenant's allocable share of monthly rent shall be determined by subtracting \$100 per minor child from the household income; multiplied by thirty per cent; divided by twelve and rounded to the closest dollar amount.

Example: tenant's household income = \$15,000  
number of minor children = 2

|          |   |
|----------|---|
| \$15,000 | (household income)                          |
| - \$ 200 | (less \$100 for each minor)                 |
| \$14,800 |   |
| x 30%    |   |
| \$ 4,440 |   |
| ÷ 12     |   |
| \$ 370   | tenant's allowable<br>share of monthly rent |

(b) The tenant shall pay to the landlord the allocable share of monthly rent as determined in subsection (a).

HPHA-RS-33 Reexamination. (a) The authority or its provider agency shall review the household's income, household composition and any other related matter to adjust, if necessary, the tenant's allocable share of monthly rent and the authority's rent supplement payment.

(b) A non-elderly household shall be reexamined at least once every twelve months.

(c) An elderly household shall be reexamined at least once every twenty-four months.

(d) If at the time of admission or annual reexamination, a household's income cannot be reasonably determined for the next twelve months, a six month reexamination may be scheduled.

(e) The tenant's allocable share of monthly rent shall be adjusted between reexaminations when a person

with income is added to the household and the adjustment shall be effective on the first day of the second month following the approved inclusion.

(f) Reexamination may be performed either in-person or via mail.

HPHA-RS-34 Security deposits. (a) No portion of the rent supplement payments shall be applied or allocated to any security deposit demanded by a housing owner. The authority shall not be responsible for nor be required to pay a housing owner for the security deposit.

(b) The tenant may be referred to grant making agencies under contract with the Department of Human Services for assistance with security deposits.

## SUBCHAPTER 5

### RENT SUPPLEMENT AGREEMENTS

HPHA-RS-41 Rent supplement agreement - housing owners. (a) A rent supplement agreement, used by the authority, shall be executed between the authority and housing owners who rent dwelling units to tenants of the program. The form shall include, but not be limited to, an acknowledgment of the rental agreement between the owner and participant, the amount of rent and supplemental assistance, date that payment is due, to whom payment is to be made and the owner's and authority's responsibilities.

(b) Amendments to the rent supplement agreement shall be in writing, and approved by the authority and the housing owner.

HPHA-RS-42 Rent supplement agreement - tenants. (a) The head(s) of household of a tenant household shall execute a rent supplement agreement, used by the authority prior to participating in the program. The form shall include, but not be limited to, an

acknowledgment of an agreement between the tenant and the authority, the rent and amount of supplemental assistance and the participant's and authority, responsibilities.

(b) The rent supplement agreement between the authority and tenant shall set forth the conditions of participation in the program.

HPHA-RS-43 Authority's responsibility. Other than the agreed-to rent supplement for the monthly rent, the authority shall not be held responsible to the housing owner for any portion of the tenant's allocable share of the rent, or be held responsible to the housing owner or tenant for any damages, breakage, or losses to the dwelling unit or any portion thereof, or to the furnishings, fixtures, and appliances where the same may have been caused by the tenant, housing owner or other causes.

HPHA-RS-44 Rent supplement agreement - termination. (a) A tenant shall give the provider agency at least thirty days written notice prior to the date that the tenant will withdraw from participation in the program.

(b) The authority or its provider agency may terminate a tenant's participation in the program when a tenant has:

- (1) Established a pattern of late rent payments or is chronically delinquent with rent payments;
- (2) Submitted false or misleading information or willfully withheld important information from the authority;
- (3) Violated any provision of the rules or chapter 356D, HRS, as related to this program;
- (4) Had the rental agreement terminated by the housing owner; or
- (5) Transferred without prior approval to a dwelling unit of same or higher rent that does not meet the authority's occupancy

standards.

(c) If a tenant has submitted false or misleading information or has willfully withheld important information which reduced the tenant's allocable monthly share of rent, the tenant shall reimburse the authority for the amount of supplemental overpayment. Repayment shall be made in accordance with a repayment plan as approved by the authority.

(d) The authority may terminate the rent supplement agreement when a tenant, any member of the tenant's household or guest or other person under the tenant's control:

- (1) Engages in violent criminal activity on or near the premises;
- (2) Whose illegal use of a drug, or abuse of alcohol, is determined by the authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- (3) Engages in criminal activity that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents; or
- (4) Engages in any drug related criminal activity on or off the premises assisted by the program.

(e) The authority shall give a tenant thirty days written notice prior to the date of termination of the rent supplement agreement.

(f) A housing owner shall give the authority thirty days written notice prior to the date the housing owner plans to withdraw from the program.

(g) The authority may suspend or terminate the rent supplement agreement based on the amount of funding available for the program.

#### SUBCHAPTER 6

#### QUALIFIED HOUSING DWELLING UNIT

HPHA-RS-51 Eligibility for shared housing. The



following criteria shall apply for participation in shared housing:

- (1) Eligibility requirements established in section HPHA-RS-13 shall apply;
- (2) Preference provisions established in section HPHA-RS-23 shall apply;
- (3) Two or more related or unrelated families may occupy a housing unit, provided that occupancy is in compliance with exhibit A, entitled "Occupancy Standards", located at the end of this chapter;
- (4) Except for a studio and a one bedroom unit, a participant and an unassisted person or household, which may include the housing owner, may reside in a shared housing unit;
- (5) Two or more participant families may reside in a shared housing unit; and
- (6) A housing owner who resides in the shared housing unit may not be related to the participant.

HPHA-RS-52 Eligible dwelling units. (a) An acceptable dwelling unit for shared housing is the same as defined in section HPHA-RS-2 with the following exceptions:

- (1) Common space areas may be shared by all individuals and families living in the shared housing unit;
- (2) Separate private bedrooms that are adequate in size for the participant's household size shall be available; and
- (3) Areas, traditionally not designated for sleeping purposes, including but not limited to the bathroom(s), kitchen, dining room, utility room, and patio, shall be used as common areas unless mutually deemed by occupants of the dwelling unit to be exclusive use of an individual or household.

(b) The authority shall determine the acceptability of units for shared housing taking into consideration the adequacy of space, security, and other conditions so as not to pose any threat to

health and safety of the participants.

(c) The authority shall determine the number of participants in this program.

HPHA-RS-53 Allocable share of rent. The allocable share of the dwelling unit rent shall be a prorated amount that is equitable and acceptable to the authority, the owner, and the participant.

HPHA-RS-54 Shared housing addendum. An addendum to the rent supplement agreements for the housing owner and tenant, setting forth the conditions for shared housing, shall be executed by the housing owner, participant and authority.

#### SUBCHAPTER 7

#### MISCELLANEOUS PROVISIONS

HPHA-RS-61 Severability. If any part, section, sentence, clause, or phrase of this chapter, or its application to any person or transaction or other circumstances is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases of this chapter, or the application of this chapter to other persons or transactions or circumstances shall not be affected.

HPHA-RS-62 Number. The use of all words used in the singular shall extend to and include the plural.

HPHA-RS-63 Force and effect of law. These emergency rules shall have the force and effect of law.

## Exhibit A

### OCCUPANCY STANDARDS

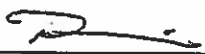
In determining the appropriate dwelling unit size for assistance, the following criteria shall be applied:

1. The smallest unit suitable for the household's shall be considered and each bedroom shall be occupied by at least one person.
2. The dwelling unit shall permit up to the maximum number of persons to occupy the unit in accordance with prevailing zoning, and county building, health, and fire codes.
3. Every member of the household, regardless of age, shall be counted as a person; except that a child not yet born by a pregnant household member shall not be counted as a person in determining unit size.
4. Children who are in the process of being adopted, or whose legal custody is being obtained by a household, will be included as members of the household for the purposes of determining unit size.
5. A foster child shall be included in determining unit size only if the child will remain in the unit for more than six months.
6. Persons of different generations, persons of opposite sex (other than spouses) over the age of five, and unrelated adults may be allocated separate bedrooms.
7. A live-in attendant may be provided a separate bedroom; however, no additional bedrooms will be provided for the attendant's household.
8. A person with a valid medical ailment may be allowed a separate bedroom, provided the necessity for the separate bedroom is verified by a signed statement from a medical doctor and other supporting data.

SPECIAL RENT SUPPLEMENT PROGRAM EMERGENCY RULES


Chapter HPHA-RS Special Rent Supplement Program Emergency Rules, Hawai'i Administrative Rules, on the Summary Page dated June 16, 2016 were adopted on June 16, 2016, by the Hawai'i Public Housing Authority Board of Directors at its regular monthly board meeting with prior public notice provided in accordance with section 92-7, Hawai'i Revised Statutes, and with abbreviated notice and hearing pursuant to section 91-3(b), Hawai'i Revised Statutes.

These rules shall take effect upon filing with the Office of the Lieutenant Governor for a period of not longer than 120 days unless extended in compliance with section 91-3(b), Hawai'i Revised Statutes.

  
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PONO SHIM, Chairperson  
Board of Directors  
Hawaii Public Housing Authority

Pursuant to my Supplementary Proclamation of October 26, 2015, which authorizes and invokes "sections 127A-13 and 127A-12, Hawai'i Revised Statutes, by suspending, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of providing emergency relief as necessary to address the homeless emergency contemplated in my October 16, Proclamation and this Supplementary Proclamation: a. Chapter 91, Hawai'i Revised Statutes, Administrative Procedure, as those provisions relate to rulemaking[.]" by signature below, I approve these rules.

APPROVED:

  
\_\_\_\_\_  
DAVID Y. IGE  
Governor  
State of Hawai'i  
Dated: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy Attorney General

Filed

16 JUN 20 P 1:23

LIEUTENANT GOVERNOR'S  
OFFICE